

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA, )  
 ) No. CR-05-126-RHW-11  
Plaintiff, )  
 ) ORDER DENYING DEFENDANT'S  
v. ) MOTION FOR RELEASE  
 )  
ASCENCION ALVEREZ-TEJADA, )  
 )  
Defendant. )  
 )

---

At the May 4, 2006, hearing on Defendant's Motion to revisit detention (Ct. Rec. 811), counsel James Egan represented Defendant; Assistant U.S. Attorney Russell Smoot represented the United States. Defendant's Motion was premised on the fact certain evidence had been suppressed in the captioned matter, with the result that the strength of evidence against Defendant, should this matter go to trial, is significantly less than at the time he originally waived his right to an early detention hearing. As discussed at the hearing, the questions of derivative citizenship does not apply to Defendant, since he was over 18 years of age when he entered the United States. The undersigned took the matter under advisement and directed preparation of a Supplemental Pretrial Services Report. Specifically, as discussed at the hearing, in addition to understanding Defendant's residence plan in the United States, it is important to understand his residence plan in Mexico, if deported prior to trial, and the ability for the court to contact Defendant

1 while waiting to be paroled into the United States for the lawful  
2 purpose of attending court appearances in this district.

3 On May 19, 2006, a Supplemental Pretrial Services Report was  
4 received, and that Report also simultaneously was served on the  
5 parties. No additional responses have been received from the  
6 parties. While Defendant has family ties and a residence plan in  
7 Hermiston, Oregon, no verified residence plan has been presented  
8 with respect to any time he may be required to spend in Mexico,  
9 while awaiting re-entry into the United States. Accordingly, at  
10 this time, the undersigned is unable to conclude there is a  
11 combination of conditions to reasonably assure that Defendant is not  
12 a risk of non-appearance. The Motion (**Ct. Rec. 811**) must be and is  
13 **DENIED.**

14 **IT IS SO ORDERED.**

15 DATED May 24, 2006.

16  
17 S/ CYNTHIA IMBROGNO  
18 UNITED STATES MAGISTRATE JUDGE  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28